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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,637	03/25/2004	Samuel B. Pedersen		6079

7590 08/24/2004

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,637	Applicant(s) PEDERSEN, SAMUEL B.	
	Examiner Robert G. Santos	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Licht '768 (note especially Figure 4 & 5; column 3, lines 3-10; and column 4, lines 35-43).

Claims 1, 2, 4-6, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Leggett et al. '669. As concerns claims 1 and 2, Leggett et al. '669 shows the claimed limitations of a bedding article comprising a plurality of bedding channels extending longitudinally of the bedding article into which fill can be blown, wherein the at least a majority of the channels are divided into two longitudinal portions (72, 73) by a closing element (14); and filling (as described in column 5, lines 30-34) in the two portions of each channel. With regards to claim 4, the reference is considered to show a condition wherein the two portions are the same length in Figure 13 (since the middle row of elements 14 divides each channel into two equal parts). As concerns claim 5, the reference discloses a condition wherein the two portions are different lengths (since any row of elements 14 other than the center row divides each channel into two unequal lengths as shown in Figure 13). With regards to claim 6, the reference is considered to show a condition wherein the different lengths are in the range of 60%-90% for

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one length and 40%-10% for the other length, each pair of lengths adding to 100%, and wherein the different lengths alternate between adjacent channels. As concerns claim 9, the reference discloses a condition wherein the different lengths are $2/3$ - $1/3$ (as shown in Figure 13, either row of elements 14 adjacent to the center row divides each channel into two respective lengths of $2/3$ and $1/3$). As concerns claim 14, the reference discloses a condition wherein the article is a featherbed (see column 5, lines 55-57).

Claims 1, 2, 5, 6, 8, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by A-Yan '945. As concerns claims 1 and 2, A-Yan '945 shows the claimed limitations of a bedding article comprising a plurality of bedding channels (3) extending longitudinally of the bedding article into which fill can be blown, wherein the at least a majority of the channels are divided into two longitudinal portions by a closing element (any row of elements 7 as shown in Figure 1); and filling (as described in column 6, lines 52-68 and in column 7, lines 1-4) in the two portions of each channel. As concerns claim 5, the reference discloses a condition wherein the two portions are different lengths in Figure 1 (since any row of elements 7 divides each channel 3 into two unequal lengths). With regards to claim 6, the reference is considered to show a condition wherein the different lengths are in the range of 60%-90% for one length and 40%-10% for the other length, each pair of lengths adding to 100%, and wherein the different lengths alternate between adjacent channels in Figure 1. As concerns claim 8, the reference discloses a condition wherein the different lengths are 80%-20% (see Figure 1, wherein either the top or bottom row of elements 7 divide each channel 3 into two respective lengths of 80% and 20%). With regards to claim 10, the reference is considered to show a condition wherein the

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different lengths are 60%-40% in Figure 1, wherein alternate rows of elements 7 divide each channel 3 into two respective lengths of 60% and 40%. As concerns claim 14, the reference discloses a condition wherein the article is a featherbed (see column 6, lines 52-58 and column 7, lines 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over A-Yan '945 in view of Tesch '825, or alternatively, as being unpatentable over Leggett et al. '669 in view of Tesch '825. With regards to claims 3, 11 and 12, A-Yan '945 and Leggett et al. '669 do not specifically disclose conditions wherein the plurality of channels extend laterally of the bedding article and wherein the width of the channels vary according to a preselected pattern. Tesch '825 provides the basic teaching of a bedding article (1) comprising a plurality of channels (32, 33) extending laterally of the bedding article, wherein the widths of the channels vary according to a preselected pattern (as shown in Figure 2 and as described in column 4, lines 61-68). The skilled artisan would have found it obvious at the time the invention was made to provide the respective bedding articles of A-Yan '945 and Leggett et al. '669 with a plurality of channels extending laterally of the bedding article, wherein the width of the channels vary

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according to a preselected pattern, in order to allow the amount of fill to be varied in the chambers according to the head, torso, and foot regions of a user's body, thereby ensuring enhanced user comfort.

With regards to claim 13, Tesch '825 also teaches a condition wherein the channels (30', 30'') extend at a diagonal relative to the longitudinal direction of the bedding article (see Figure 1); the skilled artisan would have found it obvious at the time the invention was made to provide the respective bedding articles of A-Yan '945 and Leggett et al. '669 with channels extending at a diagonal relative to the longitudinal direction of the bedding article in order to "prevent the filling material from being moved into the corners of the [bedding article] through intense movement by a sleeping [user]" as desired (see Tesch '825, column 4, lines 54-57).

Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leggett et al. '669. Leggett et al. '669 do not specifically disclose a condition wherein the different lengths are 70%-30%, 80%-20% and 60%-40%. It would have been an obvious matter of design choice at the time the invention was made to divide the channels of the bedding article of Leggett et al. '669 into portions having different lengths of 70%-30%, 80%-20% and 60%-40% since such a modification would have been generally recognized as being within the level of ordinary skill in the art.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over A-Yan '945. A-Yan '945 does not specifically disclose a condition wherein the different lengths are 70%-30% and 2/3-1/3. It would have been an obvious matter of design choice at the time the

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invention was made to divide the channels of the bedding article of A-Yan '945 into portions having different lengths of 70%-30% and 2/3-1/3 since such a modification would have been generally recognized as being within the level of ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pedersen '579, Hollander et al. '058, Pedersen et al. '816, Pedersen et al. '333, Payne '121, Rojas '934, Emi et al. '703, A-Yan '873, Siminow '481, Leslie '235, Leslie et al. '810, Davis '505, Bernstein '061 and Doremus '894.

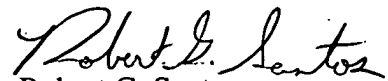
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Robert G. Santos
Primary Examiner
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R.S.
August 18, 2004